IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

RSA NO. 4041 of 2004
Date of decision. January 30,2007

Surat Singh .....Appellant

Versus

Randhir Singh and others .....Respondents

CORAM **HON'BLE MR. JUSTICE VINEY MITTAL**

PRESENT Mr. Sukhdeep Parmar,Advocate
for the appellant.

VINEY MITTAL , J(Oral)

Plaintiff has lost concurrently before the two Courts below in a suit for possession. Plaintiff claimed that his father Sheo Nath died in the year 1973 and after his death, he had stepped into the shoes of his father. But in the absence of the plaintiff, the defendants had taken illegal possession of the said property.

The defendants contested the suit. It was claimed that neither the plaintiff nor his father was owner in possession of the suit property at any point of time. The defendants claimed that they were owners in possession of the suit property since the time of their fore-fathers.

Both the Courts below have concurrently held that a partition had taken place between the fore-fathers of the parties and at that point of time Sheo Nath was given possession of northern side of the joint property whereas Risal Singh , fore-father of defendants was given the possession of southern side. After the aforesaid partition Sheo Nath had lost any title and interest in the suit property. On that basis, suit filed by the plaintiff has been dismissed by the trial Court and his appeal had also failed before the Appellate court.

Nothing has been shown that the findings recorded by

the two Courts below suffer from any infirmity or are contrary to law.

No question of law, much less, any substantial question of law arises in the present appeal.

Dismissed.

January 30, 2007 **(VINEY MITTAL)**
mamta **JUDGE**